

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Notesan Pty. Ltd.,)	
)	
Complainant,)	
)	
v.)	File No. EB-02-MDIC-0051
)	
Neptune Communications, LLC,)	
Alaska Communications Systems, Inc.,)	
and WCI Cable, Inc.,)	
)	
Defendants.)	

ORDER

Adopted: February 3, 2003

Released: February 4, 2003

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On July 11, 2002, Notesan Pty. Ltd. ("Notesan") filed an informal complaint against WCI Cable, Inc. ("WCI"), Neptune Communications, LLC ("Neptune"), and Alaska Communications Systems, Inc. ("ACS") pursuant to section 208 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 208, and sections 1.711-1.718 of the Commission's rules, 47 C.F.R. §§ 1.711-1.718. Notesan's informal complaint alleges, *inter alia*, that ACS has obtained *de facto* control of certain licensed facilities owned by Neptune, in violation of section 214 of the Act and section 1.767 of the Commission's rules, 47 U.S.C. § 214; 47 C.F.R. § 1.767. As of this date, Neptune and ACS have responded to the informal complaint pursuant to section 1.717 of the Commission's rules, 47 C.F.R. §§ 1.717, but WCI has not.

2. Pursuant to section 1.718 of the Commission's rules,¹ Notesan must convert its informal complaint into a formal complaint within six months of the date of the defendant carriers' reports (in this case, Notesan filed on August 30, 2002, and ACS filed on September 4, 2002) to ensure that, for purposes of the statute of limitations, the filing date of the formal complaint will relate back to the filing date of the informal complaint. On January 13, 2003, Notesan filed a motion seeking a three month extension (*i.e.*, to June 6, 2003) of this deadline, for the following reasons: (1) one of the defendants has

¹ 47 C.F.R. § 1.718.

not yet replied to the informal complaint, (2) there is some overlap between the issues raised by Notesan and those being reviewed by the Alaska Regulatory Commission of Alaska; and, (3) Notesan is trying to settle the matters raised in the informal complaint.²

3. We have reviewed Notesan's motion and find that it has merit. First, no defendant has opposed Notesan's motion. Moreover, granting Notesan's motion will serve the public interest by promoting the private resolution of disputes and by postponing the need for further litigation and expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that Notesan's Request for Waiver of Commission Rule 1.718(a) IS GRANTED.

5. IT IS FURTHER ORDERED that, unless otherwise extended by order, the deadlines that would otherwise apply under section 1.718 of the Commission's rules, 47 C.F.R. § 1.718, are hereby waived, and the date that Notesan Pty Ltd. must convert its informal complaint against Neptune Communications, LLC, ACS Affiliates, and WCI Cable into a formal complaint pursuant to section 1.718 of the Commission's rules, 47 C.F.R. § 1.718, is extended to **June 6, 2003**.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau

² See *Notesan Pty. Ltd. v. Neptune Communications, LLC, Alaska Communications Services, Inc., and WCI Cable, Inc.*, Letter from William K. Coulter, Attorney for Complainant to Marlene H. Dortch, Secretary, FCC, File No. EB-02-MDIC-0051 (January 13, 2003).